

**HAWAII STATE
HOUSE OF REPRESENTATIVES**

REGULAR SESSION OF 2012

MINI JOURNAL

FLOOR REMARKS TO BE INSERTED

**NINTH DAY
FEBRUARY 1, 2012**

OFFICE OF THE CHIEF CLERK

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NINTH DAY

Wednesday, February 01, 2012

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2012, convened at 12:04 o'clock p.m., with Vice Speaker Manahan presiding.

The invocation was delivered by Representative Corinne W.L. Ching, after which the Roll was called showing all Members present with the exception of Representatives Okamura and Say, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Eighth Day was deferred.

DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 66 and 67) were received by the Clerk and were placed on file:

Dept. Com. No. 66, dated January 27, 2012, from Bernice K.N. Mau, City Clerk, City and County of Honolulu, informing the House that the following Resolutions were adopted by the Council of the City and County of Honolulu at its meeting on Wednesday, January 25, 2012:

Resolution 11-308, CD1: Urging the Legislature to pass legislation requiring motor vehicle insurance carriers to provide information to the counties on uninsured drivers

Resolution 11-366, CD1, FD1: Expressing support for Hawaii to pursue the bid to host the 2016 International Union for Conservation of Nature World Conservation Congress

Resolution 12-3: Urging the State Legislature to amend Chapter 103D, Hawaii Revised Statutes to improve the Hawaii Procurement Code

Dept. Com. No. 67, dated January 30, 2012, from Scott T. Nago, Chief Election Officer, Office of Elections, transmitting the Report to the Legislature in accordance with Section 31 of Act 164, SLH 2011.

INTRODUCTIONS

The following introductions were made to the Members of the House:

REMARKS DELIVERED: Rep. Ching
Rep. Marumoto

At 12:14 o'clock p.m. Representative Evans requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:22 o'clock p.m.

ORDER OF THE DAY

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain House Bills for Final Reading by consent calendar. (Representatives Okamura and Say were excused.)

UNFINISHED BUSINESS

Conf. Com. Rep. No. 1-12 and H.B. No. 608, HD 3, SD 1, CD 1:

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 608, HD 3, SD 1, CD 1, pass Final Reading, seconded by Representative Evans.

At this time, Representative Yamane offered Floor Amendment No. 1, amending H.B. No. 608, HD 3, SD 1, CD 1, as follows:

"SECTION 1. House Bill No. 608, H.D. 3, S.D. 1, C.D. 1, (RELATING TO HEALTH), is amended by amending Section 2 to read as follows:

"SECTION 2. The legislature finds that organ transplantation is a life-saving therapy for many critically ill patients with end-stage diseases. More than one hundred ten thousand patients are on the national organ transplant waiting list; four hundred seven of those patients are Hawaii residents.

Funding is critical to maintain a federally-recognized stage 3 chronic kidney disease program that focuses on prevention for disparate populations in Hawaii. Without operational organ transplant services in the State, patients with end-stage diseases must register on transplant waiting lists for mainland transplant centers and many of these patients will face a longer waiting time to receive a donor organ at a transplant center on the mainland than at a transplant center in Hawaii. The increased waiting time for an organ may mean that the sickest of those patients may not survive long enough for a donor organ to become available. In addition to the increased waiting time, many waitlisted patients in the State will have the additional burden of relocating to other areas of the country, away from friends and family, while awaiting a donor organ and during their recovery.

An emergency appropriation is necessary to preserve and save the lives of individuals combating organ failure by providing them with access to organ transplantation in the State and giving them quality care and treatment throughout their operation and recovery.

National Kidney Foundation of Hawaii provides a federally-recognized chronic kidney disease management program in Hawaii. It meets the eligibility requirements of section 42F-103, Hawaii Revised Statutes, for recipients of grants and subsidies. The Queen's Medical Center is establishing a kidney and liver transplant program in Hawaii. It also meets the eligibility requirements of section 42F-103, Hawaii Revised Statutes, for recipients of grants and subsidies, with the exception of approval as a member of the Organ Procurement and Transplantation Network/United Network for Organ Sharing with designations as a liver transplant program and a kidney and living donor kidney transplant program, for which it has applied and which it expects to receive approval on or before February 15, 2012.

The purpose of this Act is to appropriate emergency funds, subject to dollar-for-dollar private matching funds, to support services by The Queen's Medical Center to perform kidney and liver transplants in Hawaii, and by the National Kidney Foundation of Hawaii to maintain its chronic kidney disease management program."

SECTION 2. House Bill No. 608, H.D. 3, S.D. 1, C.D. 1, (RELATING TO HEALTH) is amended by amending Section 3 to read as follows:

"SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,500,000 or so much thereof as may be necessary for fiscal year 2011-2012 as a grant pursuant to chapter 42F, Hawaii Revised Statutes, for The Queen's Medical Center to support services to perform kidney and liver transplants in Hawaii; provided that:

- (1) No funds appropriated under this Act shall be expended unless matched dollar-for-dollar with private funds; and
- (2) Any private matching funds obtained for the purposes of this Act shall have priority in being encumbered over public funds.

The sum appropriated shall be expended by the department of health for the purposes of this Act."

SECTION 3. House Bill No. 608, H.D. 3, S.D. 1, C.D. 1, (RELATING TO HEALTH) is amended by deleting Section 4.

SECTION 4. House Bill No. 608, H.D. 3, S.D. 1, C.D. 1, (RELATING TO HEALTH) is amended by adding two new sections to read as follows:

"SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$300,000 or so much thereof as may be necessary for fiscal year 2011-2012 as a grant pursuant to chapter 42F,

Hawaii Revised Statutes, for National Kidney Foundation of Hawaii to maintain its chronic kidney disease management program; provided that:

- (1) No funds appropriated under this Act shall be expended unless matched dollar-for-dollar with private funds; and
- (2) Any private matching funds obtained for the purposes of this Act shall have priority in being encumbered over public funds.

The sum appropriated shall be expended by the department of health for the purposes of this Act.

SECTION 5. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable."

SECTION 5. House Bill No. 608, H.D. 3, S.D. 1, C.D. 1, (RELATING TO HEALTH) is amended by renumbering Section 5 to Section 6 and amending it to read as follows:

"SECTION 6. This Act shall take effect upon its approval; provided that section 3 of this Act shall take effect on the date on which The Queen's Medical Center obtains approval as a member of the Organ Procurement and Transplantation Network/United Network for Organ Sharing with designations as a liver transplant program and a kidney and living donor kidney transplant program, and provided that a copy of the document evidencing the approval is delivered to the department of health."

Representative Yamane moved that Floor Amendment No. 1 be adopted, seconded by Representative Morikawa.

REMARKS DELIVERED: Rep. Yamane

The motion that Floor Amendment No. 1, amending H.B. No. 608, HD 3, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," be adopted, was put to vote by the Chair and carried. (Representatives Okamura and Say were excused.)

At 12:25 o'clock p.m. the Chair noted that Floor Amendment No. 1, was adopted.

Conf. Com. Rep. No. 4-12 and H.B. No. 905, HD 1, SD 1, CD 1:

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 905, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DELIVERY OF GOVERNMENT SERVICES," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Say being excused.

At 12:25 o'clock a.m., the Chair noted that the following bill passed Final Reading:

H.B. No. 905, HD 1, SD 1, CD 1

REPORTS OF STANDING COMMITTEES

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 22-12) recommending that H.B. No. 1730, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1730, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Okamura and Say being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 23-12) recommending that H.B. No. 1944, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1944, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII ASSOCIATION OF CONSERVATION DISTRICTS," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura and Say being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 24-12) recommending that H.B. No. 1880, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1880, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE TRANSFER FEES," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representatives Okamura and Say being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 25-12) recommending that H.B. No. 2178, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2178, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROCUREMENT CODE," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura and Say being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 26-12) recommending that H.B. No. 2265, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2265, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PROCUREMENT CODE," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura and Say being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 27-12) recommending that H.B. No. 2311, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2311, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representatives Okamura and Say being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 28-12) recommending that H.B. No. 1764, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1764, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENCY OF APPOINTIVE OFFICERS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Okamura and Say being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 29-12)

recommending that H.B. No. 1847, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1847, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura and Say being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 30-12) recommending that H.B. No. 1858, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1858, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKFORCE INFORMATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura and Say being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 31-12) recommending that H.B. No. 1756, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1756, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura and Say being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 32-12) recommending that H.B. No. 1885, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 1885, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Pine

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1885, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed Second Reading and was referred to the Committee on Judiciary, with Representative Pine voting no, and with Representatives Okamura and Say being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 33-12) recommending that H.B. No. 2069, as amended in HD 1, pass Second Reading and be referred to the Committee on Tourism.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 2069, HD 1, pass Second Reading and be referred to the Committee on Tourism, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Riviere

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2069, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Tourism, with Representatives Okamura and Say being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 34-12) recommending that H.B. No. 101, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 34-12 on H.B. No. 101, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 101, HD 2, were made available to the Members of the House.

Representative Coffman, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 35-12) recommending that H.B. No. 425, as amended in HD 1, be recommitted to the Committee on Energy & Environmental Protection.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 425, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," was recommitted to the Committee on Energy & Environmental Protection, with Representatives Okamura and Say being excused.

INTRODUCTION OF RESOLUTIONS

The following resolution (H.C.R. No. 35) was announced by the Clerk and the following action taken:

H.C.R. No. 35, entitled: "HOUSE CONCURRENT RESOLUTION AWARDING THE HAWAII MEDAL OF HONOR TO UNITED STATES MILITARY SERVICE MEMBERS WITH HAWAII CONNECTIONS KILLED IN ACTION WHILE SERVING IN DANGEROUS, VOLATILE, AND UNSTABLE AREAS OF THE WORLD, INCLUDING IRAQ AND AFGHANISTAN," was offered by Representative Say.

Representative Chong moved that H.C.R. No. 35 be adopted, seconded by Representative Ward.

REMARKS DELIVERED: Rep. Takai
Rep. McKelvey
Rep. Takai

TO BE INSERTED: Rep. Takai
(Submit by Monday, February 6)

The motion was put to vote by the Chair and carried, and H.C.R. No. 35 was adopted, with Representatives Okamura and Say being excused.

ANNOUNCEMENTS

At 12:37 o'clock p.m. Representative Ward requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:37 o'clock p.m.

REMARKS DELIVERED: Rep. Ward
Rep. Ching

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

H.B. Nos.	Re-referred to:
425, HD1	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
1871	Committee on Energy & Environmental Protection, then to the Committee on Hawaiian Affairs, then to the Committee on Finance

- 2398 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs, then to the Committee on Finance

ADJOURNMENT

At 12:41 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Thursday, February 02, 2012. (Representatives Okamura and Say were excused.)

HOUSE COMMUNICATIONS

House Communication dated February 1, 2012, from CJ Leong, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day passed the following bill on Final Reading:

H.B. No. 905, HD 1, SD 1, CD 1